

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

GREGORY DIXON,

Plaintiff,

v.

TESLA MOTORS, INC.,

Defendant.

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1-23-CV-326-RP

ORDER

Plaintiff Gregory Dixon, proceeding pro se, filed his complaint on March 24, 2023. (Compl., Dkt. 1). On April 14, he filed a motion to voluntarily dismiss this case, stating that he and Defendant Tesla Motors, Inc. (“Tesla”) had agreed to resolve the dispute. (Mot., Dkt. 9). The Court dismissed the case a week later on April 24. (Order, Dkt. 11).

On May 26, 2023, Dixon moved to reinstate the case, arguing that Tesla has not upheld its end of the settlement agreement. (Dkt. 12). Dixon also moved to file an amended complaint. (Dkt. 13). On June 12, this Court ordered Dixon to serve Tesla with a copy of his motions to amend the complaint and reinstate the case by July 12, 2023. (Dkt. 15). On June 20 and 30, Dixon filed renewed motions to file an amended complaint and reinstate the case (Dkts. 16, 20). In a text order on July 6, the Court again reminded Dixon that he must serve Tesla a copy of his motion to reopen the case and extended Dixon’s deadline for doing so until August 4. (Text Order, July 6, 2023). Dixon filed certificates of service on July 12 and 14. (Dkts. 21, 22). However, Dixon’s service was not sufficient because it was not made through certified mail, as required by Texas Rule of Civil Procedure 106(a)(2). Accordingly, this Court again ordered Dixon to serve Tesla in accordance with the Texas Rules of Civil Procedure and for the second time extended Dixon’s deadline for doing so until August 24, 2023. (Order, Dkt. 27).

Since that time, Dixon has repeatedly failed to comply with the Court's order. On August 22, Dixon filed three more certificates of service that failed to comply with the Texas Rules of Civil Procedure. (Dkts. 32, 33, 34). In addition, Dixon has filed multiple motions, some renewed efforts to amend his complaint and reopen his case, and some entirely new, such as a motion to compel mediation and motion to compel discovery. (*See* Dkts. 23, 26, 29, 30, 35, 37, 38). These motions contain certificates of service that indicate that Dixon has failed to properly serve Tesla according to the Texas Rules of Civil Procedure and this Court's orders. In sum, Dixon has still not properly served Tesla despite this Court giving Dixon multiple chances for Dixon to do so. Instead, Dixon has repeatedly filed new motions that also fail to comply with the Texas Rules of Civil Procedure. This Court will not allow Dixon to continue to ignore the Court's directives and clog the docket with noncompliant filings that are never served on the opposing party.

Because Dixon has never properly served Tesla, the Court may not reopen the case. Accordingly, **IT IS ORDERED** that Dixon's Motions to Amend Complaint and Motions to Reinstate and Reopen Case (Dkts 16, 20, 29, 30, 35, 37) are **DENIED**, and all other pending motions (Dkts. 23, 26, 38) are **MOOT**.

IT IS FURTHER ORDERED that Gregory Dixon is **BARRED FROM FILING** anything further in this action with the exception of a Notice of Appeal.

SIGNED on October 17, 2023.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE